REMARKS

Applicants traverse all of the rejections in the Office Action and respectfully request reconsideration and passage of the claims to allowance for the following reasons. Claims 23-37 are currently pending.

Claims 23-37 are patentable over Coleman and Oishi under §103

Claims 23-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,844,620 to Coleman ("Coleman") in view of U.S. Patent 6,779,195 to Oishi ("Oishi").

According to MPEP §2143, to establish a prima facie case of obviousness under §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Office Action failed to establish a *prima facie* case of obviousness, because the combination of Coleman and Oishi fails to teach or suggest all of the claimed elements. For example, the combination fails to teach or suggest

Claim 23 recites, *inter alia,* "maintaining track of which of a plurality of interactive program guide (IPG) pages are currently received at a terminal from a headend by using a program map table (PMT), a program association table (PAT) and a roster" and "if the selected IPG page is currently received, then using the roster to determine which packet identifiers (PIDs) used to transmit a plurality of regions of the selected IPG page, processing these PIDs to recover the selected IPG page, and presenting the selected IPG page to the viewer, without requesting transmission of the selected IPG page from the headend".

Coleman fails to disclose the claimed step of maintaining track of which of a plurality of interactive program guide (IPG) pages are currently received at a terminal from a headend by using a program map table (PMT), a program association table (PAT) and a roster. (See Office Action, page 3.) In contrast to the claimed invention, Coleman discloses a trickle data stream that provides programming information for a current time period, (e.g., the next forty-eight hours,) that is stored in a local memory for immediate access and a demand data stream that provides programming information for a future time period, (e.g., one week beyond the current period) that is acquired on a real time basis in response to a subscriber's request for future scheduling information. (See Coleman, abstract). The trickle data streams and future programming requests of Coleman are not directed at the same problem as the claimed invention. Both trickle data streams and future programming requests are transmitted from the headend to the terminal in the traditional way. Coleman fails to teach any roster and does not teach or suggest recovering any selected IPG page and presenting it to the viewer, without requesting transmission of the selected IPG page, as claimed.

Oishi is directed to a different problem. Oishi is generally directed to preventing confusion of viewers when the program guide information for a program does not correspond to the program information in a network information table (NIT) of a digital broadcast data in a network. Oishi fails to teach or suggest saving bandwidth by transmitting only regions of IPG pages that are not currently received. The claimed invention provides a demand cast system that reduces bandwidth by requesting only the necessary regions not currently received at a terminal (as opposed to entire pages) so that the headend transmits only the requested regions.

Oishi fails to disclose the claimed step of maintaining track of which of a plurality of interactive program guide (IPG) pages are currently received at a terminal from a headend by using a program map table (PMT), a program association table (PAT) and a roster. In contrast to the claimed invention, Oishi transports MPEG2 packets using a PMT and PAT in the traditional way. (Oishi, col. 4, lines 47-61). Oishi fails to teach or suggest any roster to determine which PIDs used to transmit a plurality of regions of the selected IPG page, to process these PIDs to recover the selected IPG page, and to present the selected IPG page to the viewer, without requesting transmission of the

selected IPG page from the headend, as claimed. (Oishi, abstract, summary, col. 2, line 1 to col. 3, line 36).

Therefore, claim 23 is patentable over Coleman and Oishi under §103.

Claims 24-27 depend, directly or indirectly, from claim 23 and, thus, inherit the patentable subject matter of claim 23, while adding additional elements and further defining elements. Therefore, claims 24-27 are also patentable over the combination of Coleman and Oishi under §103 for at least the reasons given above with respect to claim 23.

Claim 28 recites, *inter alia,* "wherein, if the selected IPG page is currently received, then the tracking component uses the roster to determine which packet identifiers (PIDs) used to transmit a plurality of regions of the selected IPG page, processing these PIDs to recover the selected IPG page, and presenting the selected IPG page to the viewer, without requesting transmission of the selected IPG page from the headend." For the same reasons given above with respect to claim 23, claim 28 is also patentable over the combination of Coleman and Oishi under §103.

Claims 29-32 depend, directly or indirectly, from claim 28 and, thus, inherit the patentable subject matter of claim 28, while adding additional elements and further defining elements. Therefore, claims 29-32 are also patentable over the combination of Coleman and Oishi under §103 for at least the reasons given above with respect to claim 28.

Claim 33 recites, *inter alia,* "if the selected IPG page is currently received, then using the roster to determine which packet identifiers (PIDs) used to transmit a plurality of regions of the selected IPG page, processing these PIDs to recover the selected IPG page, and presenting the selected IPG page to the viewer, without requesting transmission of the selected IPG page from the headend." For the same reasons given above with respect to claim 23, claim 33 is also patentable over the combination of Coleman and Oishi under §103.

Claims 34-37 depend, directly or indirectly, from claim 33 and, thus, inherit the patentable subject matter of claim 33, while adding additional elements and further defining elements. Therefore, claims 34-37 are also patentable over the combination of

Coleman and Oishi under §103 for at least the reasons given above with respect to claim 33.

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and passage of the claims to allowance. If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Lea Nicholson or Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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